EDUCATION AND MANPOWER BUREAU ("EMB")

2003 Arrangements for Surplus Teachers

Background

EMB's 2003 priority appointment ("the 2003 arrangements") to assist surplus primary school teachers had impacted on stakeholders in the education field. Aware of the immediate impact and the implications for secondary schools and eventually the tertiary sector, The Ombudsman initiated a direct investigation.

The 2003 Arrangements

2. The issue of surplus teachers have always existed when student enrolment dropped but used to be localised within certain schools. The then Education Department was able to place all surplus teachers each year until 2002, when some surplus teachers had to be seconded to certain schools as supply teachers.

3. In March 2003, EMB issued a circular memorandum to announce the 2003 arrangements. This required, *inter alia*, school sponsoring bodies to redeploy surplus teachers to fill vacancies in their schools. Furthermore, a "priority appointment" period up to early July 2003 was introduced, during which schools should offer appointments only to surplus teachers. For those who remained unemployed after the "priority appointment" period, EMB arranged for them to be appointed as "Special Supply Teachers" at reduced salaries.

Observations and Opinions

4. EMB's stated aim of the 2003 arrangements was to retain experienced and committed teachers in the profession. In reality, the 2003 arrangements practically retained the surplus teachers regardless of their performance. This adversely affected the employment of fresh graduates of teacher training institutions, hindered schools' selection of teachers, impaired Government's initiative on school-based management, deterred young people with good potential from taking up a teaching career and would eventually affect the interest of students. The appointment of "Special Supply Teachers" under the 2003 arrangements also cost an extra $9.68M in public funds.

5. We do not question the need for EMB to play a part in resolving the surplus teacher issue. Government has a duty to ensure that the transition does not unduly disrupt school operations, to balance the interests of all stakeholders, to facilitate the retention and recruitment of quality teachers and to guard against waste of public resources. However, EMB should not participate directly in "persuading" schools to take on only surplus teachers during the "priority appointment" period.

6. On the other hand, the teaching profession must equip itself, through re-training, refresher and injection of new blood, in order to face the changing requirements in education and maintain the professionalism of teachers. Appointment by seniority, rather than performance and professional excellence, would impact on the education for our young, standards of teachers and development of the profession.

7. Government and school sponsoring bodies, principals, the teaching profession, teacher training institutions and parents of students are all partners in the education of our young. Each party should critically re-examine the respective role and responsibilities for the development and preparation of young Hong Kong for the challenges in life and contribution to the community.

8. Our investigation showed up contradicting provisions in the Code of Aid for Primary Schools on whether School Management Committees can terminate a teacher's service.

Suggestions

9. The Ombudsman made the following suggestions to the Secretary for Education and Manpower:

(a) EMB to re-examine arrangements for surplus teachers.

(b) EMB to focus on matters at macro level.

(c) Schools to develop proper performance appraisal system with advice and guidance from EMB.

(d) Schools to practise school-based management properly.

(e) Schools and the teaching profession to anticipate and adapt to change.

(f) EMB to expedite review of Code of Aid.

(g) EMB to develop a realistic manpower plan for the school sector.

(h) EMB to review teacher training programme.

May 2004

FOOD AND ENVIRONMENTAL HYGIENE DEPARTMENT (“FEHD”)

Administration of Urn Grave Cemeteries

Background

In the wake of a complaint to the Office and media reports that a man had been sweeping the empty urn grave of his wife for over ten years, The Ombudsman initiated a direct investigation into the management of urn grave cemeteries.

Administration of Urn Grave Cemeteries

2. FEHD took over the responsibility for administration of all urn graves on 1 January 2000. The lack of verification of the original records, flaws in data migration and undetected illegal burials and exhumations made the records unreliable. Consequently, FEHD had to check a vacated urn grave space physically to ensure its availability. A vacated space, therefore, normally took some three weeks to be allocated, while a new space could be allocated within one day.

3. Burial and exhumation without FEHD permission constituted a criminal offence. However, FEHD had no established procedures to prevent, deter or detect breach of the law. The number of undetected illegal burials and exhumations was unknown.

Observations and Opinions

4. The size of the cemeteries and the massive number of urn graves made their administration difficult. However, this was no excuse for lack of vigilance.

5. The lack of complete and accurate records of all urn graves had contributed to inefficient and ineffective administration of urn grave cemeteries. FEHD admitted that short of a full survey, the number of undetected illegal burials and exhumations could not be ascertained. This Office considered a full survey necessary and affordable at an estimated cost of $2.3 million vs a total revenue of $14.5 million in three years.

6. Current measures against illegal burial and exhumation were piecemeal and ineffective. Prosecution had never been contemplated. Follow-up action on detected cases had been slow and dilatory. This was unsatisfactory and unacceptable. FEHD’s attitude verged on being casual and callous.

7. It is time-honoured Chinese culture to respect our ancestors. It is sad that this seems to be breaking down by neglect due to emigration, lack of descendants or their indifference. Government has a social responsibility to facilitate, encourage and sustain this culture of care and respect.

Recommendations

8. The Ombudsman made the following recommendations to the Director of Food and Environmental Hygiene:

General

Staff Attitude

(a) Instil among all staff concerned, including those in the frontline, due determination and a sense of duty to rectify irregularities.

Full Survey

(b) Conduct a full survey to verify the information of each and every existing urn grave, identify areas with long-standing urn graves for tighter security measures and identify dangerous slopes for preventive and remedial works.

(c) Transfer the data of the full survey to a computer database and fully test it to generate accurate, verified records.

(d) When the new, fully tested database becomes ready, abolish the old computer databases and manual records.

Long-term Measures

(e) Consider alternative means for monitoring and random checks of high-risk areas to deter and detect illegal activities.

(f) Review and, where appropriate, update the statutory requirements.

Administration of Urn Grave Cemeteries

Urn Grave Records

(g) While the three sets of database are still in use, require staff concerned to maintain them properly and keep them accurate and up-to-date.

Urn Grave Space Allocation

(h) Review the process for allocating vacated urn grave spaces, to shorten the processing time.

(i) When the new, fully tested database becomes ready, review the need for site visits before allocating vacated urn grave spaces to expedite processing.

Burials and Exhumations

(j) Review the follow-up action on approved burials and exhumations, e.g. consider setting up signposts for vacated spaces.

(k) Through such means as messages on website and leaflets for applicants, inform descendants of the importance that they be present at the burial or exhumation.

Illegal Burials and Exhumations

(l) Publicise the possibility of prosecution and the penalty for illegal activities within cemeteries.

(m) Be firm with offenders, step up prosecution and introduce administrative sanctions such as maintaining a list of unscrupulous contractors for closer surveillance.

(n) Patrol cemeteries for random checks to detect suspicious graves and deter illegal activities.

(o) Prescribe a performance pledge for following up detected cases of irregularity.

(p) Draw up concrete plans to follow up the five cases already detected.

(q) Keep appropriate records of long-standing urn graves and alert staff for closer monitoring.

Urn Grave Maintenance

(r) Through FEHD website and leaflets, educate descendants on their responsibility towards their deceased ancestors.

(s) Enlisting the assistance of departments concerned, arrange preventive and remedial works for dangerous slopes.

(t) In case of landslips, inform all descendants of the damaged graves, according to the verified records.

9. FEHD had accepted our recommendations.

November 2004

HOME AFFAIRS DEPARTMENT ("HAD")

Enforcement of the Building Management Ordinance

Background

In view of considerable community concern, The Ombudsman conducted a direct investigation into the adequacy and effectiveness of the enforcement of the Building Management Ordinance ("BMO"), Cap. 344 by the Home Affairs Bureau ("HAB") and the Home Affairs Department ("HAD").

Building Management Ordinance

2. The BMO defines the duties and powers of Owners' Corporations ("OCs") and Management Committees ("MCs") with regard to the management and maintenance of common parts of a building, preparation of budgets and accounts and keeping of financial and meeting records. It also confers on owners the rights to monitor the operations of their OC/MC, which include the rights to inspect and obtain a copy of OC budgets and accounts, and to require the MC chairman to convene a general meeting of the OC for specified purposes at the request of not less than 5% of the owners.

3. The Secretary for Home Affairs ("SHA") is the Authority for the BMO, empowered under section 40A to inspect common parts of a building, attend general meetings of OCs, and inspect and obtain a copy of OC budgets, accounts, documents and records. He may order the MC of a building to appoint a building management agent for a building, institute prosecution for offences under the BMO and apply to the Lands Tribunal for an order to dissolve an MC and appoint an administrator.

Enforcement Records

4. However, since the enactment of the BMO, SHA has:

(a) never instituted prosecution;

(b) never invoked his powers; and

(c) never applied to the Lands Tribunal for a court order.

5. Between August 2000 and July 2003, HAB/HAD received from the public six requests for prosecution and eight requests for invoking SHA's powers. All requests were turned down.

Observations and Opinions

Inspections

6. HAD staff visit private buildings at least once a year, for an understanding of the general condition of the building and the functioning of the OC/MC but not for enforcement purposes. Since HAB/HAD have an enforcement/execution role under the BMO, HAD staff should look out for non-compliance during site visits and meetings. HAD's existing building management booklet for OCs/MCs and owners fails to offer ready reference on the key requirements of the BMO.

Prosecutions

7. All requests for prosecution from the public were screened by relatively junior HAB/HAD staff without proper delegation of authority from SHA. There was also no regular reporting to SHA on the handling of the requests. Furthermore, there were serious delays in processing and replying to some of the requests.

8. HAB/HAD have made no attempt to prosecute even blatant cases. They adopt an attitude of indefinite, or even infinite, latitude towards offenders and interpret the factors affecting recommendation for prosecution in such a way as to justify inaction. Consistent non-enforcement can only breed disregard for enforcement and disrespect for the law.

9. HAD's guidelines on prosecution are inadequate in that they do not spell out clearly when SHA's powers of inspection under the BMO should be invoked for investigating an alleged breach and the role of the Department of Justice ("D of J").

Invocation of SHA's Powers

10. In deciding whether SHA's powers of inspection under section 40A should be invoked, HAD would consider if there is *prima facie* evidence of breach of the BMO or of serious management problems in the building. Documents and information obtained under this section are for SHA's use only, not to be divulged to owners. However, these considerations and constraints are not clearly spelt out in HAD's guidelines. It is also not clear how HAD determines the degree or extent of management problems which would warrant the exercise of SHA's powers under that section. Furthermore, there are no guidelines for invoking SHA's powers under other sections of the BMO.

Complaints and Disputes

11. HAD staff are under instruction to advise or informally mediate in disputes, but not to arbitrate or take a policing role. If HAD's advice is not taken or mediation fails, HAD would advise the affected party to consider gathering the support of not less than 5% of the owners to request the MC chairman to convene a general meeting of the OC or bringing the case to the Lands Tribunal for adjudication. There are, however, inherent drawbacks and limitations in these statutory avenues (see paragraphs 15 and 17).

12. HAD's efforts to promote corporate governance of OCs and to reinforce training for MC members have helped to reduce building management complaints and disputes. HAD should keep up these good efforts.

Mediation

13. Compared with statutory avenues, there are obvious advantages in mediation. It can resolve a dispute more speedily, at lower cost and without damage to the relationship of the parties involved. The process is confidential, with simple and flexible rules and procedures. However, mediation also has limitations. Participation is entirely voluntary. Parties with a history of adversarial relations or prior litigation are unlikely to agree to mediate.

14. Since mid-2002, HAD has been providing a free mediation service under a pilot scheme with the assistance of two professional mediation bodies. However, the pilot scheme has not been thoroughly tested. The limit of 3 $^{1}/_{2}$ hours set for mediating each case is barely adequate for simple and straightforward cases. HAD does not have a comprehensive plan for administering the scheme, nor dedicated pamphlets to publicise it.

Convening a General Meeting

15. It may be difficult to obtain the consent of 5% of owners required to convene a general meeting of the OC. Forming a quorum for the meeting is even more difficult. MC chairmen may refuse to convene such meetings, and there is no penalty for so refusing. Reluctant MC chairmen may also employ various tactics to delay or frustrate legitimate requests for such meetings.

16. Such malpractices are not uncommon. Unfortunately, HAD is unable to help the owners or provide relevant statistics to us. To protect owners' interests, SHA should be empowered to order an MC to convene a general meeting of the OC if owners' legitimate request for such a meeting is unreasonably refused or frustrated.

Adjudication by Lands Tribunal

17. Adjudication by the Lands Tribunal can be costly and time-consuming as legal formalities apply. The range of solutions is limited. Neighbourly relationship is prone to damage under a "win-lose" situation. Worse, the losing party may appeal to a higher court, causing even greater burden on cost, time and energy.

18. For these reasons, owners are often reluctant to bring their case to the Lands Tribunal. There are calls for simplifying the mechanism for adjudicating building management disputes. Two suggestions have been considered by HAD for some time, *viz*. a Building Management Tribunal and a Wise Men Panel.

Recommendations

19. The Ombudsman makes the following recommendations to HAB and HAD:

Enforcement

(a) To look out proactively for non-compliance and draw up clearer guidelines and procedures for checks and follow-up action.

(b) To promote among OCs/MCs and owners better understanding of the BMO by producing a separate guide or revise the existing one.

(c) To review and revise HAB's/HAD's interpretation of the factors affecting recommendation for prosecution and to take prosecution actions against blatant offenders accordingly.

(d) To make reference in the guidelines to SHA's powers of inspection under the BMO and D of J's role in prosecution.

(e) To spell out clearly in the guidelines the important considerations and constraints for invoking section 40A.

Systems and Procedures

(f) To make proper delegation of authority for processing requests for enforcement and to devise systems for regular reporting to SHA.

(g) To introduce administrative measures, including pledges for issue of replies, into the guidelines to ensure proper and timely handling of requests for enforcement.

(h) To draw up specific instructions on the handling of complaints of non-compliance and take steps to ensure timely processing of such complaints and proper keeping and analysis of relevant statistics and data.

Mediation

(i) To extend the pilot mediation scheme and to improve its operations so as to properly try out public acceptance and effectiveness of mediation in resolving building management disputes.

Statutory Avenues

(j) To amend the BMO to enable the Authority to order an MC to convene a general meeting of the OC for specified purposes.

(k) To expedite discussion and consultation with parties concerned and develop an early proposal for a simple and effective mechanism for adjudicating building management disputes.

20. HAB/HAD have undertaken to consider our recommendations carefully and work out how best to implement them.

Epilogue

21. This rounds off our three direct investigations on Government’s services and actions in building management:

(a) Role of HAD in facilitating formation of OCs (published in March 2003);

(b) Assistance by HAD to owners and OCs in managing and maintaining their buildings (published in November 2003); and

(c) Enforcement of the BMO (published in June 2004).

June 2004

HOUSING, PLANNING AND LANDS BUREAU (“HPLB”), BUILDINGS DEPARTMENT (“BD”), LANDS DEPARTMENT (“Lands D”) AND HOME AFFAIRS DEPARTMENT (“HAD”)

Enforcement Action on UBWs in NTEHs

Background

The Buildings Ordinance (“BO”) prescribes that all building works require prior approval of BD as the Building Authority. However, in the New Territories, under Government’s Small House Policy applicable to indigenous villagers, the construction of village-type houses within specified limits of height and size can be exempted from part of the BO. Lands D is the approving authority for these New Territories exempted houses (“NTEHs”).

2. Unauthorised building works (“UBWs”) are building works that have not been approved by BD or Lands D, as appropriate. Common examples are rooftop structures, canopies, enclosed balconies and, the most serious, entire buildings without approval. UBWs in NTEHs are a long existing problem.

3. In 1996, The Ombudsman initiated a direct investigation and made recommendations to the authorities concerned for more effective enforcement. However, the situation had deteriorated rather than improved in recent years. The Ombudsman, therefore, decided in November 2003 to conduct a second direct investigation, to examine the factors for the continued proliferation of UBWs in NTEHs and the appropriateness and effectiveness of the enforcement measures taken by Lands D and BD.

Magnitude of Problem

4. Owing to resource constraints, neither department had given high priority to tackling UBWs in NTEHs. In 2003, Lands D considered the problem to be serious in five out of the nine NT districts: some districts would require over 50 years to complete action on existing UBW cases.

Authority and Organisation

5. BD’s Special Action Unit took action against UBWs under construction, i.e. works-in-progress (“WIP”) cases, through contracted services. It issued removal orders to offenders and prosecuted owners for non-compliance. The lease enforcement teams of Lands D’s District Lands Offices (“DLOs”) took lease enforcement action on UBWs in NTEHs. Such action included written warnings, registration of warnings against property titles, demolition of UBWs and re-entry of land and cancellation of land lease.

Enforcement Strategy

6. In 2001, HPLB set up an internal working group to map out a strategy to contain UBW cases. Under the strategy, BD would take priority action on WIP cases, while Lands D action on blatant breach and tolerate minor breach cases. Lands D would deal with all other cases as part of DLOs' lease enforcement programmes.

Rates Exemption for Indigenous Villagers

7. HAD has the authority to grant rates exemption to indigenous villagers subject to their meeting certain criteria, one of which requires a house to be free of UBWs. This could deter the growth of UBWs.

Observations and Opinions

8. From the investigation, this Office had the following observations:

(a) NTEHs were part and parcel of Government's Small House Policy, established long ago. We considered this aspect of the policy should be reviewed in the light of the modernisation of the NT.

(b) Prolonged inadequate enforcement had engendered among owners and offenders disregard for regulation and disrespect for the authorities. With Lands D enforcement action often not carried through, its credibility was called into question.

(c) The 2001 working group's focus of action on WIPs and blatant breach was a step in the right direction. However, the strategy did not address the fundamental issues of resource constraints and the limitations of enforcement measures.

(d) Limitations in each of Lands D's lease enforcement measures resulted in little effect in containing the problem.

(e) Staff shortage would continue to be a problem for lease enforcement.

(f) Inconsistent practices among DLOs could lead to accusations of unfair treatment from owners.

(g) Lands D headquarters had a responsibility to guide and advise front-line staff in coping with the difficulties encountered in their lease enforcement work. However, it had not done much in this respect.

(h) Differences in opinion between Lands D and BD over what constituted WIP cases had deterred them from taking a coordinated approach on enforcement and given the public an impression that they tended to pass the buck.

(i) Ineffective enforcement action had reinforced owners' and villagers' perception about DLOs' toleration of UBWs and hence given rise to complaints and objections against lease enforcement teams in action.

Conclusion and Recommendations

9. We acknowledged that it would not be possible to eliminate the widespread problem in the foreseeable future. Strategies and measures should, therefore, aim for effective containment of the problem. The Ombudsman made 18 recommendations to HPLB, Lands D, BD and HAD:

Overall Directions

(a) To review the current enforcement strategy and develop a realistic enforcement policy for containment of UBWs in NTEHs.

(b) To explore the feasibility of rationalisation of existing UBWs that are safe, not serious and thus tolerable, subject to payment of a penalty fee.

(c) To assess and monitor the situation regarding UBWs in NTEHs through the regular use of aerial photographs.

Enforcement

(d) To review the inefficiencies identified in this investigation for developing improvement measures and to set targets for achievement.

(e) To step up action against non-compliance with removal orders for WIP cases.

(f) To explore the feasibility of extending the current WIP operations to cover new UBWs.

(g) To monitor lease enforcement action closely to ensure due completion and to suspend action only on good grounds.

(h) To develop an action plan against owners of UBWs not purged and against recurrent breach.

(i) To develop a plan for tackling unauthorised four or five-storey houses.

(j) To standardise lease enforcement practices among DLOs as far as possible, given local differences.

Cooperation and Coordination

(k) To reconcile any differences between Lands D and BD over WIP operations.

(l) To set up a joint team to tackle WIPs and new UBWs.

Optimisation of Resources

(m) To train and guide front-line staff to instil greater confidence in them.

(n) To simplify work processes and streamline procedures, to redeploy staff and optimise the use of limited resources.

Publicity

(o) To publicise widely Government’s revised strategy for public awareness.

(p) To enlist Heung Yee Kuk’s assistance in explaining and disseminating Government’s stand on UBWs to villagers.

(q) To alert potential NTEH buyers to the risk of UBWs by widely publicising Lands D's pamphlet on the purchase of village houses.

Monitoring of Rates Exempted Houses

(r) To work out a system under which Lands D conducts matching checks on ownership of detected UBWs to see if any owner is enjoying rates exemption and to report such cases to HAD for action.

Final Remarks

10. HPLB, Lands D, BD and HAD generally accepted the above conclusion and recommendations.

August 2004

LEISURE AND CULTURAL SERVICES DEPARTMENT ("LCSD") AND FOOD AND ENVIRONMENTAL HYGIENE DEPARTMENT ("FEHD")

Bloodworm Incidents in Public Swimming Pools

Background

Upon the discovery of bloodworms in public swimming pools in August 2004, there was intense media interest in allegations of LCSD covering-up and destroying evidence. Reports of inconsistent views between LCSD and FEHD in the media also cast doubt over the coordination between the departments. Against this background, the Acting Ombudsman initiated a direct investigation into the incidents.

LCSD Handling of the Incidents

2. In August and early September, bloodworms were found in nine public swimming pools. The Director of LCSD convened a Working Group with FEHD, Department of Health ("DH"), Electrical and Mechanical Services Department and Water Supplies Department to look into the bloodworm incidents. It also enlisted the help of a microbiologist. A biologist later offered to assist.

3. With the discovery of bloodworms in Kowloon Park Swimming Pool, DH advised LCSD that their presence indicated unsatisfactory water quality. Bloodworms were then found in a waterslide in Tai Wan Shan Swimming Pool and also in Kwun Tong Swimming Pool. LCSD sought Police assistance to investigate into the possibility of the incidents being caused by human factor. Media interest intensified. On 27 August, FEHD sent a report to LCSD advising that bloodworms could survive in the pool water of Kowloon Park and that the waterslide at Tai Wan Shan could provide a favourable breeding ground. It also reported larvae, pupal cases and adults in the samples collected from Tai Wan Shan. In a Working Group meeting on 28 August to discuss the FEHD report, divergent views were expressed. A further meeting on 31 August was to consider the FEHD report again.

4. On 30 August, TV news reported that the design of the waterslide at Tai Wan Shan had resulted in breeding of bloodworms and that the Police investigation had found the full life cycle of bloodworms in the samples. In response, LCSD issued a press statement close to midnight and a spokesman next morning told the media that bloodworms, but not pupae or eggs, had been found in the samples examined by FEHD. His statements were contradicted that very evening by another TV news report that FEHD had reported finding pupae. LCSD then realised that the incidents had turned into a credibility issue.

5. There was extensive media coverage on 1 September of the LCSD "cover-up". That morning, bloodworms were found in Hammer Hill Road Swimming Pool. Whilst the LCSD staff were busy cleaning up the dirt, Police received a report in the afternoon from some individual about the discovery. On 2 September, media reported prominently allegations of LCSD destroying evidence.

Further Development

6. The Working Group met again on 6 September and concluded that there was insufficient evidence of bloodworms breeding or developing in normal pool water, but they could breed in some special installations where circulation of water was slow. Police investigation also found no evidence of human factor for the incidents.

Observations and Conclusions

7. We found LCSD to have lacked impartiality in its own investigation into the incidents. It had been selective in the reception of expert views. However, we found no evidence of LCSD "covering-up" or destroying evidence. The bloodworm incidents became an administrative and public relations fiasco due to the following LCSD factors:

(a) insufficient focus on possibility of natural occurrence in environment of public swimming pools;

(b) absence of an open mind in handling experts' divergent views expressed in Working Group meetings;

(c) gap in communication among LCSD directorate;

(d) undue haste to respond to the media while the Working Group had not yet arrived at any definitive conclusion;

(e) inexperience of the officer concerned in meeting the media and disclosing information to the public;

(f) insufficient transparency in releasing information and failure to give a balanced picture of its investigation into the incidents; and

(g) LCSD headquarters gave no guidance to its staff on preserving integrity of a suspected crime scene and assisting in Police inquiry.

8. In contrast, the other departments concerned had done their part in providing prompt assistance and positive support to LCSD. FEHD, in particular, had provided LCSD with frank and professional advice.

9. On hygienic condition, we found that LCSD had clear requirements for public hygiene and established practices for water quality assurance. However, there was insufficient time for proper cleansing around or inside the pools, play equipment and artificial features. There were even complaints of faecal discharge by swimmers in public pools. All these pointed to the need for greater vigilance and more vigorous enforcement by LCSD. It was also an indictment on inconsiderate users who ignored public hygiene.

Recommendations

10. This Office noted that LCSD had subsequently carried out remedial measures, including a steering committee chaired by its Director, to raise the hygienic condition of public pools. Against this background, The Ombudsman made the following recommendations:

Hygiene of Public Swimming Pools

(a) Increase the sampling frequency for testing of pool water.

(b) Continue with the half-day closure of swimming pools.

(c) Review the schedule and specifications for cleansing operations, taking into account the design of pools and ancillary features.

(d) Review frequency and requirement for cleansing of pools and surrounding areas.

(e) Put in place a programme of follow-up inspections to ensure that cleansing work has been carried out satisfactorily.

(f) From time to time, seek FEHD's support in detecting and preventing possible breeding of insects on site.

(g) Provide training to frontline staff to strengthen their knowledge in public hygiene, pest control and sampling techniques.

(h) Review the current booking arrangements to avoid over-booking of swimming lanes during session breaks.

(i) Review and, if necessary, revise the design of pools under planning.

(j) Confer with DH on whether the hygiene standard at public swimming pools should be raised.

Internal and External Communication

(k) Enhance two-way communication between LCSD headquarters and frontline staff for a better understanding of the rationale and priorities in the management of swimming pools.

(l) Review the approach and mechanism within LCSD on deciding lines of response for release of information to the public to ensure accuracy and transparency.

(m) Provide media and crisis management training to LCSD senior managerial and directorate staff to enhance their ability to handle media relations and crisis situations.

Public Education

(n) Publicity and public education programmes on swimmer etiquette and the need for proper hygiene in the use of public swimming pools.

Final Remarks

11. LCSD had accepted all our recommendations and already implemented some of them.

December 2004